

# The Indian Constitutional Tangle

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## PREFATORY NOTE

THE problem of India's future constitution and the interim arrangements during the pendency of war occupies the mind of every thinking man in India. The vigorous one-sided propaganda carried on by the press in India which is practically in the hands of one section in the Indian body-politic misleads not only people outside India but many well-meaning and unsophisticated persons in the country itself. This propaganda is sedulously built upon certain theories and catch-phrases borrowed from Western politics and is apt to catch the unwary. All the confusion in Indian politics to-day is due to the misapprehension of the realities of the Indian situation on the part of some and its deliberate misrepresentation on the part of others. Again most of our difficulties are caused by the misapplication of Western political thought to the Indian situation, in some cases deliberately, in others unconsciously. An attempt is made in this treatise to examine critically the bases of the Indian political thought and forces so that the reader, having been apprised of the attitudes and claims of the different elements in Indian life, may reach his own conclusions without prejudices.

Within the brief compass of the book I have

tried to set out a complete yet concise survey of the situation in India as it has developed since the outbreak of war. The respective policies of the Muslim League and the Congress with regard to the war situation and their reactions to the British Government's declarations are exhaustively treated and their justification or otherwise discussed. The Congress proposals regarding declaration of independence, constituent assembly, position of minorities, transitional national government, as also the Viceroy's offer of August 8, 1940 and its amplification by the Secretary of State for India in his various speeches are thoroughly examined. It is hoped that the book will give the reader at a glance a full view of the entire Indian situation and the proper way of approach to it.

I may be permitted to express my deepest gratitude to Nawabzada Liaqat Ali Khan, Honorary Secretary, All-India Muslim League, for the valuable help and advice which he gave me. In the midst of his pre-occupations he took the trouble of going through the whole manuscript and made many useful suggestions for its improvement. I am also grateful to my young friend, Mr. Shakir Husain Khan, Secretary of the Muslim University Union, who helped me in various ways in the preparation of the manuscript.

Aligarh,

19th April, 1941.

JAMIL-UD-DIN AHMAD

## THE INDIAN CONSTITUTIONAL TANGLE

THE outbreak of war in Europe over a year ago caused quick repercussions in India. It raised the constitutional issue anew. For more than a year discussions, negotiations and diplomatic moves have been going on in India, culminating in the last statement of the Viceroy issued on August 8, 1940 and its amplification by Mr. Amery, the Secretary of State for India. To understand the full import and implications of the proposals contained in this statement of the Viceroy and further elucidated by Mr. Amery in his recent speeches, one has to look back over the past year during which time currents and cross-currents in the body-politic of India have been playing with full force. The introduction of provincial autonomy under the Government of India Act, 1935, unleashed new forces in the political life of India and created a state of affairs which had perhaps not been foreseen by the framers of the constitution. The Act had been modelled practically on the pattern of British constitutional practices and conventions, regardless of the fact

that the social, cultural, economic and religious conditions in India were entirely different from those of Britain. The British statesmen proceeded on the assumption that India was a Nation in the sense in which nations exist in Western countries and that India could fit into the structure of a national, democratic state. Perhaps they did not then realize that the democratic parliamentary system of government which had evolved under particular sets of conditions in European countries could not as well take root in and thrive on Indian soil. It has been stated time and again but it would bear repetition that the fundamental condition for the successful working of democracy is the existence of a single nation and a homogeneous society. Democracy in its practical working becomes the rule of the majority. In a homogeneous society the rule of the majority is tolerable, because the majority and the minority are interchangeable. There is no fixed majority or minority. Moreover, the majority is not obsessed with the passion to absorb or annihilate the minority. On the fundamentals of corporate and group life all members of the society are agreed, and in times of crisis and danger they willingly shed aside all their differences and whole-heartedly co-operate with one another. Thus, willingness on the part of all members of the body-politic to accept the rule of whatever party happens to be in power

is the *sine qua non* of democracy. This basic condition was either overlooked or deliberately disregarded in the framing of the constitutional scheme embodied in the Government of India Act, 1935.

The two-and-a-half years' working of the provincial part of the constitution brought out the inherent inconsistencies and intrinsic misconceptions of the constitutional scheme so insistently and glaringly that even the complacent British statesmen had to open their eyes wide. In the provinces with large Hindu majorities the Congress held sway and found itself installed in absolute power. The character of the Congress as a purely Hindu body was thoroughly exposed, for purely Hindu governments had been established in these provinces. The inclusion in the Congress ministries of one or two Muslims who had deserted their own parties from motives of self-aggrandizement did not in any way alter the exclusively Hindu character of these ministries. The safeguards provided in the constitution for the protection of the interests of the minorities were left in cold storage as a result of the 'Gentlemen's Agreement' between the Congress and the British Government. The Congress were given a long rope to pursue their nefarious designs of establishing their domination and reducing the Muslims and all other non-Congress elements to the

position of helpless serfs. Thus, the Muslims and other minorities were kept out of all share in administrative power and governance. The patience of Muslims was being sorely tried and the time did not seem to be far off when they might have been driven to precipitate action for preserving their very existence. At its Patna Session the All-India Muslim League felt called upon to authorize its Working Committee to launch direct action for the protection of Muslim rights and interests if and when necessary. This was the psychological atmosphere when the clouds of war gathered over Europe and war seemed to be on the point of breaking out. The imminence of war produced interesting reactions in different political circles in India.

Naturally the British Government expected help from the people of India in the prosecution of war. This gave an opportunity to Indian political parties to manœuvre for extracting terms from the British Government. But the methods of approach followed by the two important political organizations—the Congress and the Muslim League—were different. Meeting a few days before the declaration of war, the Council of the All-India Muslim League definitely stated that the policy of the British Government towards the Muslims of India by attempting to force on them a constitution, which allowed a permanent,



communal, hostile majority to trample upon their rights and interests, and the utter neglect shown by the Viceroy and the Governors in exercising their special responsibilities to protect minority rights, was deplorable ; and added that if in these circumstances the British Government desired to enlist the support and the sympathy of Muslims, it must meet their demands without delay. It will be seen that the Muslims in keeping with their temperament clearly spoke out their mind without any attempt to beat about the bush. Soon after the outbreak of war the Working Committee of the All-India Muslim League, which had been empowered by the Council to decide the issue of the Muslims' attitude towards war, met to deliberate upon the situation and lay down the policy of the Muslims. The Working Committee after going thoroughly into all aspects of the matter passed a long resolution, giving expression to the real feelings and sentiments of the Muslims and stating unequivocally as to how best the co-operation of the Muslims of India could be secured in the prosecution of war. In this connection the Committee declared that they could not endorse any Federal objective referred to by His Excellency the Viceroy and strongly urged upon the British Government to review and revise the entire problem of the future constitution of India *de novo* in the light of the experience gained

from the working of the provincial constitution and developments that have taken place since 1935 or may take place hereafter. The Committee emphatically declared that the Muslims were irrevocably opposed to any constitution, which under the guise of democracy and parliamentary system of government, would result in the domination of the Hindu majority over Muslims and vassalization of Muslim India. India is a land of many nationalities and does not constitute a national state. Therefore, any constitution built on the assumption of India being a Nation would militate against the genius of the people and would be doomed to failure. The Committee condemned unprovoked aggression and upheld the principles of freedom of humanity and the dictum that the will of the strongest, irrespective of right and justice, cannot be allowed to prevail. While expressing sympathy for Britain and her allies, the Committee, however, clearly stated their feeling that real and solid Muslim co-operation and support to Britain in this hour of her trial could not be secured successfully, if His Majesty's Government were unable to secure to the Muslims justice and fairplay in the Congress-governed provinces where even their elementary rights were being callously trampled upon. This demand, however, was not further pressed, as the Congress ministries had to go out of

office a few weeks later to the great relief of the Muslims and other minorities. The Committee asked for one fundamental assurance from the British Government that no commitment regarding the constitutional advance of India or any interim arrangement be made, nor any constitution be framed and finally adopted without the consent and approval of the All-India Muslim League. In a concluding paragraph the Committee declared that if the full, effective, and honourable co-operation of the Muslims was desired by the British Government in meeting the crisis facing the world and bringing it to a successful issue, it must create a sense of security and satisfaction among the Muslims and take into its confidence the Muslim League, which is the only organization that can speak on behalf of Muslim India.

The leaders of the Muslim League knew well that it was no use harping on slogans and asking for impossible declarations from a foreign power. They did not make a fetish of the term "independence". The meaning and content of the word 'independence' had been so variously interpreted by Congress and Hindu leaders that it only became a mirage. The Muslims learnt from actual experience that it was only a smoke-screen to conceal the sinister designs of the Hindu majority. They, therefore, had to make sure as

to how any constitutional changes were going to affect them. They had to judge carefully whether the much-advertised freedom of India and the methods suggested to achieve it carried any guarantee that the Muslims too would have their freedom and their due share of the power that might be transferred. The Muslim League in framing its policy, therefore, kept the following considerations constantly in view: (1) it was no practical politics to ask for a declaration of independence from a foreign ruling power. What we could legitimately urge was the re-examination of the whole constitutional problem of India *de novo* as soon as circumstances permit or immediately after the war; (2) in any future policy, negotiations and consultations, the Muslims should be treated as a distinct unit, a separate factor entitled to the same right of self-determination as other elements in the Indian body-politic claim; (3) the Muslims could also legitimately ask for an assurance that no constitutional plan be forced on them against their will; (4) as to war, the universal feeling among Muslims was that, if their full, effective, and hearty co-operation in the prosecution thereof was desired, a sense of security with regard to their future be created in them. The policy of the Muslim League was plain. It did not want the British Government to make any irrevocable commit-

ments or prejudice issues in a way which might prejudice the position of any party, Hindus, Muslims, Princes, or any other section. The most vital necessity was to secure the abandonment of the Federal plan on which the Act of 1935 was based, as it was a very retrograde scheme, and was particularly detrimental to Muslim interests. Immediately after the declaration of war the Viceroy had announced the 'suspension' of the Federal plan during the period of war. But the Muslim League demanded its total abandonment and for very good reasons. The working of provincial autonomy in the Congress-governed provinces had thoroughly exposed the futility of the scheme, and had confirmed the Muslims and other minorities in their apprehensions that a worse disaster would befall them if this Federal scheme came into force. Mr. Jinnah, in a communication to the Viceroy, placed four concrete points for His Excellency's consideration: (1) that the entire problem of India's future constitution be re-examined and reconsidered *de novo* as soon as circumstances permit or immediately after the war, (2) that no declaration, either in principle or otherwise, be made or any constitution enacted by His Majesty's Government or Parliament without the approval and consent of the two major communities of India, *viz.*, Hindus and Muslims, (3) that His

Majesty's Government should try and meet all reasonable demands of the Arabs in Palestine, and (4) that the Indian troops shall not be used outside India against any Muslim power or country. The demand on the question of securing fairplay and justice to Muslims in Congress-governed provinces was not further pressed as the Congress ministries had ceased to function. His Excellency's reply to the first and the third points was partially satisfactory; the reply to the second point was vague; and the implications of the fourth point were rather misunderstood by him. His Excellency conveyed to Mr. Jinnah that the former's 'declaration of October 18, 1939, did not exclude examination of any part of the Act or of the policy and plans on which it is based.' Indirectly this statement may be said to concede the point. The Muslim League wants reconsideration of the whole constitutional problem, for it had serious objections against the provincial constitution based on actual experience of its working and also against the Federal scheme whose basic principles were absolutely unacceptable to Muslims. Later developments led the British Government's spokesmen to declare in unmistakable terms that the scheme of the 1935 Act was as good as shelved and that the whole constitutional field was open for re-examination. This is a point of major importance, which the Muslim League have

secured. With regard to the second point the Viceroy said that His Majesty's Government were not under any misapprehension as to the importance of the contentment of the Muslim community to the stability and success of any constitutional developments in India. His Excellency added, "you need have no fear that the weight which your community's position in India necessarily gives their views will be underrated." This assurance does not really meet the point raised by Mr. Jinnah. It left the Muslims within the region of consultation and counsel; whereas the essence of the Muslim demand was that the Muslims should themselves be the final judges of what was best for them without meaning any harm to others. The demand, however, was so just and fair that it had to be met, as will be seen later on. The whole question was put in a nutshell by Mr. Jinnah. Great Britain wants to rule India; Mr. Gandhi and the Congress want to rule India and the Muslims; the Muslims say that they would not let either Britain or Mr. Gandhi to rule them; they wanted to be free to rule themselves. As for the point relating to Palestine, the Viceroy stated that His Majesty's Government in framing their policy had endeavoured to meet all reasonable Arab demands and they continued to be fully alive to the importance of that issue. The fourth point was

misunderstood. His Excellency, while maintaining that the question was hypothetical, inasmuch as His Majesty was not at war with any Muslim power, expressed his inability to give a guarantee in terms suggested by Mr. Jinnah, for it would, according to His Excellency, have the effect of limiting India's right to use its own army in its own defence in circumstances, which could not then be foreseen. His Excellency, however, assured that in the existing circumstances His Majesty's Government at the instance of the Government of India had taken every precaution that Muslim feeling in India on this matter was fully respected. Mr. Jinnah in a later communication to the Viceroy cleared the misunderstanding. The Muslim League in asking for the assurance that Indian troops shall not be used outside India against any Muslim country never meant that they shall not be used for the defence of India, in the event of any attack on or aggression against the country. The Viceroy, while appreciating this assurance, reiterated his view that it was not possible to give a guarantee which would bind them in future contingencies, which no one could foresee ; at the same time he assured Mr. Jinnah that, if at any time such a contingency arose, the consideration underlying Mr. Jinnah's suggestion would not be overlooked. His Excellency added that, so far as the present situation was concerned, His Majesty's



Government were in sympathetic and friendly relations with Muslim powers to some of whom they were bound by alliance. Mr. Jinnah assured His Excellency that he was unnecessarily over anxious about the interests of other communities, as the Muslims had never shown any intention by word or deed to injure the interests of any other community. The issues that had been raised by the Muslim League were due to serious apprehensions in the minds of Muslims that the British Government in its present difficult position may allow itself to be stampeded into adopting a course or making a settlement, which would militate against the vital interests of Muslims and prove disastrous to all concerned. Moreover, the Muslim League was required to give an assurance of whole-hearted co-operation and active support to Britain in the prosecution of war. The Muslim League, therefore, felt itself quite justified in asking for a definite assurance that no commitment would be made by the British Government with regard to the future constitution of India or any interim settlement with any other party without the previous consent and approval of the Muslim League. In this connection it may be mentioned that a speech by the Viceroy at the Orient Club in Bombay, in which reference was made to Dominion Status of the Westminster variety, gave rise to all sorts of speculations, so

much so that Mr. Gandhi saw in it the "germs of settlement". The air was thick with rumours that a unilateral settlement between the Congress and the British Government was in sight and that Congress would soon be returning to power in the provinces. Mr. Jinnah sounded a note of warning that, if any such thing as the 'Gentlemen's Agreement,' which had been in existence during the regime of Congress ministries, were repeated, it would lead to the gravest crisis in India whose consequences no one could foresee. The Viceroy in his reply to Mr. Jinnah referred to a speech made by Lord Zetland, the then Secretary of State for India, wherein he had remarked, "The undertaking given by His Majesty's Government to examine the constitutional field in consultation with representatives of all parties and interests connotes not dictation but negotiation. Admittedly a substantial measure of agreement between the various communities in India is essential if the vision of a united India was to become a reality ; for I cannot believe that any government or Parliament in this country would attempt to impose by force upon, for instance, eighty million Muslim subjects of His Majesty in India a form of constitution, under which they would not live peacefully and contentedly." In the same speech Lord Zetland had frankly stated that the Congress had by their conduct created serious apprehensions

in the minds of Muslims and other minorities, and it was for them as the majority party to remove those apprehensions. The assurance, though better worded, still fell short of Muslim expectations. Though it was clear by now that no constitution would be enacted merely at the behest or instance of one party, however numerous and vocal, yet it was doubtful whether the Muslims' right to choose finally what was best for them was recognized. The British Government still seemed to retain the authority to have the final say in the matter. While the British statesmen were beginning to realize the genuineness of Muslims' apprehensions and the justice of their claims, the Congress in the meantime had started a crusade in the press and on the platform against the Muslim League, which was painted as the villain blocking the way to India's freedom. Lies, libels and calumnies against the Muslim League and its leaders fell thick from the lips of the votaries of 'truth and ahimsa'. The chief target of attack was Mr. Jinnah, for he had committed the unpardonable crime of refusing to be a party to the nefarious game of establishing Hindu domination over the whole country. A hue and cry was raised that the Muslims wanted the power to veto all constitutional advance. The Congress wiseacres with an air of injured innocence put the question as to how could a minority be given

the right to hold up the progress of the majority. One of Mr. Gandhi's chief lieutenants went to the extent of accusing Mr. Jinnah of being an agent of British imperialism, bent on perpetuating British domination over India. And thus the mean and mendacious propaganda against the Muslim League went on. A fresh attempt was made by His Excellency the Viceroy in February, 1940 to bring the Congress leaders to see reason and reach a settlement with the Muslim League in regard to the provincial field, which would be followed by the expansion of the Viceroy's Executive Council and the inclusion therein of representatives of the Congress and the Muslim League on the lines of the proposals made by His Excellency in November, 1939. The Muslim League was again willing to consider the proposal and enter into discussions with the Congress. But the Congress again refused to entertain the proposal or have any discussions with the Muslim League, until and unless the British Government had made a previous declaration of the independence of India and the summoning of a Constituent Assembly on the lines suggested in the resolutions of the Congress. This shows the extent of arrogance, hauteur, and egotism, which blinds the vision of the Congress and leaves no room for doubt as to their real motives.

The Congress was already beginning to feel the

pinch of the political stalemate, which they themselves had brought about by their ill-advised policy. They wanted somebody to make a move and pull them out of the ruts. They looked to the Muslim League to pull the chestnuts out of the fire for them, even though the Muslim League got completely burnt in so doing. There were expressions of pious wishes that all parties should get together and attempt to solve the deadlock. It was suggested that national cabinets should be formed as a war measure both in the provinces and at the Centre following the example of European countries. There were also suggestions of a small preliminary conference, which could pave the way for the evolution of the future constitution of India. Even Mr. Gandhi welcomed the idea and made the suggestion that the 'best' Englishmen and the 'best' Indians should hold a preliminary conference, but he hedged it round with many 'ifs'. He said if the Viceroy is authorized to declare that His Majesty's Government have definitely come to the conclusion that it is the sole right of India to determine the form of Government under which she would live and if with that end in view he summons a conference of the best Englishmen and the best Indians—the latter elected according to an acceptable procedure—to devise a method whereby a Constituent Assembly can be summoned for the

purpose of framing a constitution and for solving all problems that may arise—then he, Mr. Gandhi, would agree to the proposal. This statement raised three issues. Firstly, the required declaration about independence and the framing of the constitution must be made. (We will discuss it later on.) Secondly, in such a conference how will the 'best' Englishmen be chosen and by whom? Thirdly, the 'best' Indians are to be elected 'according to an acceptable procedure.' Acceptable to whom? And elected by whom? These were very pertinent questions raised by Mr. Jinnah, but were never answered for the simple reason that Mr. Gandhi and the Congress always have at the back of their mind something quite different from what they outwardly show. Mr. Gandhi also remarked that he was not prepared to use his personal influence to induce the Congress ministries to return to office unless there was a Hindu-Muslim agreement. I should wait, said Mr. Gandhi. But why wait? Why not tackle the problem of a Hindu-Muslim agreement at once? With some people it became a fashion to decry both the Congress and the Muslim League as being responsible for the deadlock. The Muslim League could in no sense be held responsible for it. The Muslim League never showed an intransigent attitude. It did not press for any irrevocable commitment which

would prejudge the constitutional issue. It was perfectly prepared to consider and negotiate on the basis of the proposals made by the Viceroy in November, 1939 and February, 1940 for an interim settlement without prejudice to the adjustment of the larger issues after the war.

In the month of June, 1940 the collapse of a great military power like France created a sensation of the first magnitude throughout the world. It was realized that India too was not quite out of danger. Both the Viceroy and the Secretary of State for India made earnest appeals to the people of India to realize the gravity of the situation and to help in the intensification of war effort and the organization of the defence of India. Mr. Jinnah responding to the appeal on behalf of Muslim India remarked that the Muslims were fully alive to the gravity of the situation, both external and internal. Uptil then the Muslims had created no difficulties nor had they embarrassed the British Government in the prosecution of the war. The provinces where the Muslim League had a larger voice had been left free to co-operate with the Government, pending their consideration with regard to the assurances asked for by the Muslim League, particularly the point that no declaration be made by the British Government with regard to the future constitutional problems of India and the vital issues raised in that connec-

tion without the approval and consent of the Muslim League. With reference to the Viceroy's and Mr. Amery's appeals Mr. Jinnah said that it was up to the British Government 'to show trust in Muslim leadership—there are many ways of doing so—and as confident friends seek our whole-hearted co-operation, and we shall not fail.' The Working Committee of the All-India Muslim League meeting at Bombay on June 17, 1940, voiced the sentiments of Muslim India by expressing alarm and concern at the grave turn the war had taken in Europe in which one nation after another was being deprived of its liberty and freedom and condemning in particular the unwarranted attack made by Italy at a time when France was engaged in a desperate struggle against overwhelming odds. Realizing the gravity of the world situation the Committee felt constrained to state that the proposals for the defence of India indicated in the statements of their Excellencies the Viceroy and the Commander-in-Chief fell far short of the urgent requirements of the situation; the Committee, therefore, called upon the Government of India to prepare the country in an organized manner to meet every eventuality. The Committee further expressed the view that unless a satisfactory basis for close co-operation were agreed upon on an All-India basis and not province-wise between the Government and the Muslim League



and such other parties as are willing to undertake the responsibility for the defence of the country in the face of imminent danger, the real purpose and objective will not be served and achieved by the Muslims and others merely joining the proposed provincial and district War Committees with their present scope and functions. The resolution gave a statesman-like lead not only to Muslims but to the country as a whole. Mr. Jinnah was invited by H. E. the Viceroy for an interview in this connection on June 27, 1940. After the interview in compliance with His Excellency's wishes to let him have any details which Mr. Jinnah might have in mind in this connection the latter submitted a Note entitled "Tentative Proposal." It was in His Excellency's own words a 'very clear and valuable memorandum.' An agitation had been bolstered up by the Congress and other Hindu circles against the Lahore resolution of the All-India Muslim League advocating the establishment of 'independent states' in regions of Muslim majority in the North-West and the North-East of India. The demand was insistent that the British Government should declare from the outset that the Muslim League proposal would not even be taken into consideration. One of the high-lights of the Congress, Mr. Satyamurthi, declared: "The acid test of Mr. Amery's ability and earnestness will be

his saying to the Muslim Leaguers—no Pakistan, no coalition ministries, no impossible safeguards. You must settle with the majorities. Once having said that the rest will be easy.” In other words Muslims should be handed over to the tender mercies of the Congress. Therefore, the very first point which Mr. Jinnah mentioned in his memorandum was: that no pronouncement or statement should be made by His Majesty’s Government which would in any way militate against the basic and fundamental principles laid down by the Lahore Resolution of the division of India and creation of independent states in the North-West and the North-East of India, as this ideal had now become the universal faith of Muslim India. The second point mentioned by Mr. Jinnah was a reiteration of the demand that His Majesty’s Government must give a definite and categorical assurance that no interim or final scheme of constitution would be adopted by the British Government without the previous approval and consent of Muslim India. Mr. Jinnah stated that in view of the rapid developments in Europe and the grave danger facing India it was fully realized that everything possible should be done to intensify the war efforts and mobilize all the resources of India for her defence for the purpose of maintaining internal security and peace and warding off external aggression.

But Mr. Jinnah made it clear that it could only be achieved if the British Government were willing to associate the Muslim leadership as equal partners in the Government both at the Centre and in all the provinces. Muslim Indian leadership must be fully trusted as equals with an equal share in the authority and control of the Governments, Central and Provincial.

For the period of war Mr. Jinnah suggested that the following steps should be taken to comply with the formula, namely, co-operation with the Government with an equal share in the authority of the Government :

(a) That the Executive Council of the Viceroy should be enlarged within the framework of the present constitutional existing law, the additional number to be settled by further discussions; but it being understood that the Muslim representation must be equal to that of the Hindus if the Congress comes in, otherwise they should have the majority of the additional members, as it is obvious that the main burden and the responsibility shall be borne by Muslims in that case.

(b) In the provinces where section 93 has to operate, non-official Advisers should be appointed, the number to be fixed after discussion and the majority of the non-official Advisers should be the representatives of Muslims; and where the provinces can be run by a combination of parties

or coalition naturally it would be for the parties to adjust matters by agreement among themselves.

(c) There should be a War Council consisting of not less than fifteen members including the President to be presided over by His Excellency the Viceroy. I do not like the expression War Consultative Committee. This Council should regularly meet to deal with and review the general situation as it may develop from time to time and advise the Government with regard to matters in connection with the prosecution of war generally, and in particular the fullest development of the defence possible, and finance, and to make a thorough economic and industrial drive. In this body it will not be difficult to secure the representation and full co-operation of the Indian Princes and as far as I can judge they would have no difficulty in joining it. It is through this body that the association of the Princes can be secured. Here again the representation of Muslim India must be equal to that of the Hindus if the Congress comes in, otherwise they should have the majority.

Finally, the representatives of the Muslims in the proposed War Council and the Executive Council of the Governor-General and the additional non-official Advisers of the Governors should be chosen by the Muslim League.

The Viceroy after considering the memorandum dealt with the various points taken therein in his

letter to Mr. Jinnah dated July 6, 1940. His Excellency approved the suggestion that the expansion of his Council will be within the existing constitutional law. But he pointed out that it was not a case of striking a balance between the different interests or of preserving the proportions between the important parties. But he readily accepted the importance of securing adequate representation of Muslim interests which point he promised to bear in mind. The Viceroy also pointed out that the persons selected for inclusion in the Viceroy's Council could not be nominees of political parties, however important, though it might be assumed that both the Secretary of State and the Governor-General would do their utmost to select persons from the various sections of the community. As regards appointment of non-official Advisers in provinces the Viceroy could give no definite indication and stated that when the question of the appointment of such Advisers arose in the light of the circumstances of each province the importance of the community from which Advisers are drawn in a particular province would have a direct bearing. The Viceroy also welcomed the idea of the War Council as well worth considering. His Excellency, while stating that it would not be constitutionally possible for the choice of Muslim members of the Council to rest with the Muslim League, assured

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Mr. Jinnah that in the contingency envisaged by the latter any suggestions put forward by him would receive full consideration. Mr. Jinnah in his reply appreciated the clarification of the legal and constitutional position with regard to the expansion of the Viceroy's Council and the appointment of non-official Advisers. Though the details would have to be worked out Mr. Jinnah felt that there was nothing in his memorandum which could not be given effect to by way of convention and if the Government met them in a spirit of trust and co-operation the legal and constitutional formalities could be met and complied with. Mr. Jinnah expressed thanks for the assurance regarding the appointment of Muslim members and assured on his part that he would meet the Viceroy in every reasonable way possible.

Soon after this on August 5, 1940 His Excellency the Viceroy communicated to Mr. Jinnah an advance copy of his statement on the existing situation and the constitutional problems for his private information. The statement appeared in press on August 8, 1940. Referring to the point raised by Mr. Jinnah in regard to the Lahore resolution of the Muslim League His Excellency told Mr. Jinnah that his statement of August 8, clearly safeguarded the Muslim position. It substantially incorporated the suggestions made by Mr. Jinnah

with regard to the expansion of the Viceroy's Council and the creation of a War Advisory Council. It, however, made no reference to the appointment of non-official Advisers. We will for the present defer consideration of the proposals made by the Viceroy regarding the future constitution of India and the method and process of framing it. Let us first take up the specific offer contained in the Viceroy's statement in regard to interim arrangements for the duration of war. The differences within the provincial field regarding which the Viceroy had asked the Congress to reach a settlement with the Muslim League leading to co-operation at the Centre had remained unbridged, because of the intransigence of the Congress and their refusal to discuss the question with the League or with any one. The British Government now felt that these differences need not hold up the expansion of the Viceroy's Council and the establishment of a body which would more closely associate Indian opinion with the conduct of the war. The Viceroy was, therefore, authorized to invite a certain number of representative Indians to join his Executive Council and further to establish a War Advisory Council consisting of representatives of Indian States and of other interests in the national life of India as a whole. The Working Committee of the All-India Muslim League considered the proposals which

were on the very lines suggested by the League itself and appreciated the offer in principle. But the details of the proposal involved certain very important issues which, unless satisfactorily clarified, would defeat the very purpose of the principle underlying the proposal. The League Working Committee, while welcoming the proposal, sought clarification on the following important points: (1) the probable strength of the expanded Executive Council and the number of additional members, (2) the proportion of Muslim representation in the expanded Council, (3) the portfolios to be allocated to additional members, (4) the position of the Muslim League representatives in the event of any other party deciding at a later stage to assist in the prosecution of war and Government agreeing to associate them with the Executive Council which would involve substantial modification of the Council, (5) the composition and functions of the War Advisory Council and the proportion of Muslim representation therein. In an earlier communication the Viceroy had indicated that the probable strength of the Executive Council would be in the neighbourhood of eleven. His Excellency asked Mr. Jinnah to submit a panel of four names with a view to His Excellency's selecting two for appointment to his Executive Council. As for the War Council His Excellency asked for another panel of names on the



assumption that there would probably be five out of a total of something in the neighbourhood of twenty. In a later communication His Excellency recognized the difficulties in the way of submitting panels as pointed out by the League Committee and agreed that the selection of representatives while resting with the Governor-General should be based on confidential discussion between the leader of the party concerned and the Viceroy. But His Excellency could give no indication at all as to the total strength of the expanded Council or the allocation of portfolios or the proportion of Muslim representatives in the Council, or the strength and composition of War Council beyond saying that the question of setting it up would be considered after the expansion of the Executive Council had been completed. The Viceroy, however, made it clear that the collaboration of Indian representatives with the expanded Council and the War Council would be entirely without prejudice to the consideration and decision, after the conclusion of the war and on the basis indicated in His Excellency's statement, of the main constitutional issue. As regards the position of the Muslim League representatives *vis-a-vis* the representatives of any other party deciding at a later stage to join the Viceroy's Council, His Excellency appreciated and recognized in the course of conversation with Mr. Jinnah, as

stated by the latter, the vital importance of the point so far as the Muslim League was concerned. The point was that in the event of any other party desiring later on to be associated with the Viceroy's Council to assist in the prosecution of War it should be allowed to do so on terms approved of and consented to by the Muslim League party, as they were entering into, so to say, a "war contract". This was a point of the first importance as will be seen presently; but the Viceroy's reply was that though he had given the matter most careful consideration yet he had found it impracticable to devise any form of words which would meet the purpose which the League had in view. The whole correspondence between Mr. Jinnah and H. E. the Viceroy was considered by the League Working Committee at its meeting on September 28, 1940 and the Committee came to the conclusion that the Viceroy's offer in the circumstances was unacceptable. Even the probable figures pertaining to the expanded Council and the War Council had disappeared. It was not known as to what would be the total strength of the expanded Council, what portfolios would be placed under the charge of the additional members, which were the other parties with whom the Muslim League would be expected to collaborate, and what would be the proportion of Muslim members in the Council.

There was no indication whatsoever as to what would be the position of Muslim League representatives, should any party decide at a later stage to come into the expanded Council. This point was all-important. For one thing the Muslims believed that once their representatives were appointed to the Viceroy's Council, the Congress, whatever their objections to the scheme of expansion, would come scampering for seats in the Council, throwing all their vaunted principles to the winds. And the Muslims were quite justified in their apprehensions. In 1937 when interim ministries with Muslim Premiers had been set up in seven provinces the Congress could not view the prospect with any equanimity, and before three months were over the Congress turned turtle by accepting office, disregarding all previous professions of 'combating the Act' and 'wrecking the constitution'. The Muslims have made one thing abundantly clear—they are not going to accept the position of a mere numerical minority to be dominated and ruled; they are a separate national and cultural entity entitled to the right of self-determination and an equal share in the power and authority of the Government. The Muslims could not accept a position of inferiority *vis-a-vis* the Congress. Once the Muslims had agreed to work as a minority in the Central Government it would certainly have been used as an argument against

their claims for an equal share in administrative power at the time of post-war constitutional discussions. The political status of a nationality which is possessed of a distinct cultural entity and social polity of its own cannot be determined by mere numbers. There are nations in Europe and America with a population of a few lakhs; yet they are nations with independent states of their own and their status in the comity of nations is one of equality with that of much bigger and greater nations. Moreover, the Muslim League was the only major political party which was prepared without any mental reservations and without asking for irrevocable commitments to render every possible aid in the intensification of war effort and the organization of the defence of India on behalf of the 90 million Muslims. If Congress, representing as it did the solid body of Hindus, refused to co-operate with the war effort, surely the Muslim League would then be the only major party on whom the main burden of responsibility would fall. The League, therefore, could not be treated exactly on the same footing as the other party. The Muslims have been anxious to help and co-operate. Mr. Jinnah, voicing the feelings of Muslim India at the meeting of the League Council on September 29, 1940, said, **\*Muslims are anxious to render all possible assistance to the Government in the prosecution**

of the war. I may reiterate that all along I had not forgotten that we are also in danger, that we are vitally concerned, that our fate is linked with that of the British." Again he said, "It is essential for us to give all support for intensifying the war effort in defence of India." In what marked contrast do these expressions stand to the statements of Mr. Gandhi who said, "It becomes necessary to make it clear that the vast majority of the people of India are not interested in the war!" At another place Mr. Gandhi remarked that the Congress made no distinction between Nazism and the British Government whom Mr. Gandhi dubs as 'double autocracy.' The whole trouble with the British Government was that they seemed to be too punctilious about constitutional formalities and too apprehensive about the possible reactions in the Congress camp. The Congress was not and is not prepared even to look at the Viceregal proposals; it insisted on a previous declaration of the independence of India and a process of constitution-making of its own design. It also showed no concern whatever for the armed defence of India and no anxiety to help. The League, on the other hand, did not ask for impossible declarations; it only wanted an assurance that no such declaration be made as would prejudice the constitutional issue or prejudice any party's position. The League did not demand

the acceptance of the principles of the Lahore Resolution as the price of its co-operation. And yet the two were treated alike. The Muslims were prepared to give their last pie and to shed their last drop of blood, if necessary; but it was going to be a sort of 'war contract.' If the Muslims threw in their lot completely with the British, as they were prepared to do, they knew that they and the British would 'sink or swim together.' It was going to be a fateful undertaking. If they were to bring all their resources and assets to the common pool, were they not entitled to see to it that their co-operation was on an honourable basis with an equal share of authority and an effective voice in the use and disposal of men, material and money, the general organization of defence and the industrialization that it involved? Did not the elementary conception of co-operation on the basis of partnership demand that the Muslim League should be assured as to its position in the expanded Council against the incursion of the Congress at a later stage which would have upset the whole situation, relegating the Muslims again to a helpless and inferior position? What the Muslims asked for was but the prompting of human nature reinforced by the actual and bitter experiences of the past. The whole offer of the Viceroy to the Muslims, boiled down to two seats in a Council of unknown

strength. The suggestion regarding the appointment of non-official Advisers in provinces was not even considered. The composition and functions of the War Council remained undefined. No enthusiasm for war effort among the people could possibly be created without the association of popular representatives with the conduct of war in the manner suggested. If the League wanted to provide two of its men with comfortable 'jobs' it was, of course, a good chance. But the undertaking which the League was going to accept was of such tremendous magnitude and such far-reaching consequences that, in the absence of satisfactory clarification of the points raised, it could not with the best will in the world to help and all the anxiety to co-operate accept the offer. Mr. Jinnah kept his demands at the lowest pitch and was and has been prepared to negotiate. But he had perforce to declare that there seemed to be no desire on the part of the British Government to part with power and to associate Indian representatives with the conduct of war with power and authority in the Government. When two partners enter into a joint enterprise it is incumbent on either of them to consult the other if he wishes to admit a third partner, otherwise the position of the second partner would be seriously jeopardized. But the partnership which was offered to the Muslims was like the partner-

ship of a man who offered to his partner only one pice in the rupee as his share.

Let us now consider the stand taken by the Congress throughout these developments, for the picture would be incomplete otherwise. For a long time rumours had been persistent that the Congress would tumble into the Federal Scheme very much on the same lines as they had embraced the provincial constitution, in spite of all their tall talk about 'wrecking the constitution' and 'ending the Act'. Had it not been for the merciless exposure of their designs by Mr. Subhas Bose, the Congress would have long ago entered into a tacit agreement with the British Government and acquiesced in the Federal Scheme, as embodied in the Act of 1935. However, the outbreak of war came as another opportunity to the Congress High Command to secure their object of complete Hindu domination over the entire country in the garb of the principles of democracy and freedom without even having to wage a struggle. Mr. Gandhi went post-haste to Simla; he cried before the Viceroy, visualising the possible destruction of the British Houses of Parliament and said, "What would the freedom of India be worth if England and France were ruined." He also declared that whatever aid was to be given to England in this hour of her trial should be given unconditionally. But the Congress



High Command, meeting a few days later, took a different view. They pounced on the war situation as a heaven-sent opportunity to wrest the maximum amount of power and privilege from the British Government to serve their own ends. Mr. Gandhi, true to his reputation as one who can adapt himself to any situation and any position, felt no scruples of conscience in endorsing the stand taken by the Congress Working Committee, at the same time trumpeting forth his altruistic sympathy with England and her allies. This is the standard of political honesty and consistency of which Mr. Gandhi alone, among the leading political figures of the time, is capable. Well, what is it that the Congress demanded? In the typical Gandhian manner of putting things, they disclaimed any intention to embarrass Britain or to bargain with her in her hour of difficulty. But, actually speaking, they laid down definite conditions on which their support could be purchased. They actually held out a threat to the Viceroy to surrender the remaining amount of power with regard to internal control on pain of serious consequences. Their demand boiled down to this: declare India an independent country; recognize her right of self-determination; bring about a Constituent Assembly elected on adult or the widest possible franchise to frame the constitution of India; and here they made a

mighty concession in favour of the minorities—the minorities could be represented through separate electorate if they so desire but in exact proportion to their numbers; they would formulate the safeguards they need for the protection of their interests, but in all other matters a simple majority vote would prevail. The points of dispute between the majority and the minority would be referred for arbitration to the highest judicial tribunal that human ingenuity could conceive.

Before going into the pros and cons of the proposal itself, let us consider the manner of approach of the Congress. In one breath they claimed that they were not out to bargain, but in the same breath they laid down conditions for their co-operation. Only they used certain euphemistic terms to cloak their real intentions and pose as selfless idealists. They coined a new phrase; they demanded what they called ‘clarification of war aims of Britain’ and how they were going to apply to India. In the first place, how far is it logical to ask a foreign ruling power to declare the independence of your country? Then, you do not want real independence either; for you go on to ask them to convene a Constituent Assembly of your own choice and conception, ignoring altogether the point of view of other parties in the country. You further expect the foreign power to stand

aside, leave you absolutely free to ride rough-shod over the opinions of others and to frame a constitution of your own design, then to put the scheme on the Statute book and enforce it for you with the aid of their armed forces. How far, one may ask, are these specific demands consistent with the much-vaunted boast of independence and self-determination. If you are really serious about independence and self-determination, why not ask the British to withdraw from the scene altogether, so that we could settle our own manner of self-determination and determine our own form of Government in complete freedom? But the only sanction which exists in the mind of Mr. Gandhi and the Congress is the sanction of the British Government. Mr. Gandhi himself openly confessed that they could play at democracy only under the protecting wings of the British power, and he feared that once the British withdrew the whole country would be overrun by the Muslims and other martial classes of the North. The only independence that Mr. Gandhi and the Congress can think of is the acquisition of a certain amount of power by the Hindu majority to control and direct the internal affairs of the country under the protection of British arms. They would be satisfied with power to administer the internal policy and economy of the country with a view to establishing a Hindu hegemony and the

supremacy of Hindu ideology and Hindu culture, and reducing the Muslims and others to a position in which they would be humbled, governed, absorbed, and finally annihilated as a distinct cultural and political entity. This is not a misapprehension or a misinterpretation of their position. They have always followed a policy, which lends itself to different interpretations, according as the situation may be. They cry themselves hoarse over independence, democracy, and self-determination but are always ready to strike a separate bargain with the British Government, such as would throw the Muslims and other minorities to their tender mercies. The meaning and content of independence change from weak to weak, as Mr. Gandhi chooses to define in the columns of his *Harijan*. In Congress phraseology 'independence' means absolute power in the hands of Hindus to dominate and crush others, 'self-determination' means a process by which the Hindus would have the right to impose their will on others by virtue of their majority, 'democracy' means a system of government in which a high-caste Hindu oligarchy would be installed in power to subjugate and rule the whole country by sheer force of numbers under the protection of British bayonets. Therefore, all the tall talk of the Congress about 'nationalism' and 'independence' is nothing but

a camouflage, a jargon of hollow slogans which, though it may hood-wink the unsophisticated Hindu masses, fails to carry conviction with any thinking man in India. Mr. Gandhi has tried all methods of persuasion, cajolery and threat, all conceivable wiles and acrobatics to 'bamboozle' the Viceroy and the British statesmen and public to play into his hands. But perhaps he has played his own game too long and everyone is now able to see through his machinations. In a statement Mr. Gandhi said that he was anxious "as a friend of Britain bound by many personal ties that she should come out victorious not because of superiority in the use of arms but because of her will to be just all along the line." He, being a Mahatma guided by the 'inner voice' and 'divine inspiration', was, therefore, anxious to advise Britain to follow him to secure success in the war. So, his notion of justice is that Britain should follow his advice as to what he considers just. Similarly, on another occasion, in reply to a question by an American journalist as to what his view was towards parties in a democratic India, Mr. Gandhi said that there was only one party which could deliver the goods, and that was the Congress. Told that there was the Muslim League, Mr. Gandhi said, "I would not accept any party except the Congress." When it was pointed out to him that if there was to be only one party

in India the government would be Fascist and not democratic, Mr. Gandhi replied, "Damn it by whatever name you may, there can be only one party in India, and that is the Congress." Could blind arrogance and egotism go further?

As stated above, the Congress thought that the out-break of war brought them an excellent opportunity to force the hands of the British Government to impose on India an 'independencé' of Mr. Gandhi's conception by accepting and enforcing a constitution, forged by a machinery fashioned according to the design of the Congress party, in which the voice of all other parties would be effectively stifled. But, to the great disappointment of the Congress, the Viceregal declaration of October 18, 1939, did not even touch the fringe of the extravagant and partizan demands of the Congress. For the first time the Viceroy refused to treat with the Congress as the sole body representing the whole of India. The Viceroy took care to discuss matters on equal footing with both Mr. Gandhi and Mr. Jinnah. This gave Congress a rude shock from which they have not recovered so far. The Viceroy, while reaffirming that Dominion Status remained the goal of British policy in India, merely stated that His Majesty's Government would be very willing at the end of war to enter into consultation with representatives of the several communities, parties,

and interests in India and the Indian princes with a view to securing their aid and co-operation in the framing of such modifications of the Federal plan embodied in the Act of 1935 as may seem desirable. The minorities were assured that full weight would be given to their view-point and claims in the framing of any future constitutional scheme. The whole proposal was vague and nebulous and left both Congress and Muslim League unsatisfied. But in one respect the Viceroy's declaration broke new ground; it repudiated the unfounded claim of the Congress that they alone represented all India, and further it recognized the fact that the Muslim League truly represents the Musalmans of India and can speak on their behalf. It was also clear that no revision of the constitution would take place merely at the behest or according to the designs of a single party, however numerous and vocal it may be. Well, how did the Congress react to it? They had had a taste of winning a privileged position by bluffing the Government and threatening the development of a crisis. They had brought out a very plausible and apparently innocuous proposal, namely, they said in effect: Britain claimed to be fighting for freedom and democracy. Why not apply these principles to India? Declare India a free country, but you need not leave just yet. You can remain here with all your

governmental machinery and paraphernalia and defence forces. Apply the principles of democracy and self-determination, according as the Congress direct, not in a full-fledged manner, but to the extent which would result in the transference of substantial power into the hands of the Congress without exposing them to any danger, external or internal. So it would be possible to parade the slogan of independence as an accomplished fact before the masses who had so far been fed on it; at the same time the amount of power required to establish Hindu domination would pass smoothly into the hands of the Congress caucus without any fear of external danger and internal disorder. But then, naturally, the Viceroy could not accept the position only as stated by the Congress and the proposals they put forward in total disregard of the opinions and claims of other elements in the Indian body-politic. The Congress presumed to speak with an air of high piety and all-embracing sanctity like the patriarchal head of a family, although in actual fact they could speak for no more than a section of the population, and their pretensions were as vehemently denounced by important groups and interests as belligerent nations denounce one another. Freedom! they wanted freedom for the whole country! Self-determination! they wanted self-determination for the people of India! It sounded so plausible, so



unselfish ! But perhaps their credit in the world of politics had fallen so low that even those who used to be carried away by their clap-trap at one time smelt more than a rat in their seemingly innocent demands. The shock the Congress had received from the refusal of the Viceroy to give in to them was so shattering that in their desperation they played their last card—they decided to withdraw their ministries from provinces where the Congress commanded a majority. After getting the Provincial Assemblies to pass high-sounding resolutions, endorsing the Congress demands by virtue of Hindu majorities, the ministries resigned with a flourish of bravado, but with some pangs of regret too in their hearts, which many Congress leaders could not mask later on, as events developed and all their designs were frustrated. So high-handed and oppressive had been the conduct and so ill-conceived and unjust the policy of the Congress governments that not only the Muslims but the whole country showed unmistakable signs of relief and gratitude at their exit from office. This was manifest from the celebration of the 'Day of Deliverance and Thanksgiving' on December 22, 1939 by Muslims and other non-Congress groups—a demonstration, which proved to the hilt the utter incapacity of the Hindu majority to wield undivided power, and also the absolute failure of the system of government, embodied in

the Act of 1935.

About this time a virulent propaganda was carried on by Congress leaders and Congress press to discredit and ridicule the grave complaints and charges made by Muslims and other minorities against Congress ministries. The Congress President, after characterizing all the charges and grievances against Congress ministries as false and baseless, graciously condescended to have them inquired into by Sir Maurice Gwyer, the Chief Justice of India. It was pointed out by Mr. Jinnah that the proposal was absurd and illogical. The Congress Working Committee had no legal and constitutional position in the matter; they were as much the accused party as the Congress ministries, for the latter were mere tools for carrying out the dictates and policy of the former. Who would compel the production of documents and witnesses? To whom would the inquiring judge report and who will implement the findings? If it is the Congress Working Committee, they are themselves the accused party, and they had already pronounced their verdict. When Mr. Jinnah suggested inquiry into the whole case by a Royal Commission consisting of impartial judges from England there was a hue and cry that Congress would not submit to foreign judges, as if Sir Maurice Gwyer was pure Swadeshi born in Wardha! However, the

Congress would neither admit their guilt, nor accept an impartial inquiry. The way the Congress leaders including Mr. Gandhi made light of the sufferings and complaints of Muslims and accused them of making false allegations was the greatest affront they could offer to a virile and self-respecting people. But all impartial people, as also the Viceroy and the British Government, were impressed with the terrible sufferings of the Muslims under the Congress regime and the justice of their claims.

Presumably it was in recognition of the grievances and claims of Muslims that the Viceroy put forward a definite proposition to ensure smooth administration both in the provinces and at the Centre, so that war effort could proceed unhampered and peaceful conditions be secured all over the country. With a view to associating representatives of Congress, Muslim League and possibly one or two other parties with the Executive Council of the Central Government, the Viceroy suggested that a basis of friendly agreement (not necessarily the resolution of every detail of differences) be reached between the Congress and the Muslim League in the provincial field, so as to ensure harmonious working at the Centre. The Viceroy made it clear that this would be an *ad hoc* arrangement for the duration of war, quite distinct from the much

wider question of constitutional reform to be taken up at the end of the war. These proposals were presented by the Viceroy simultaneously to the Congress and the Muslim League leaders. Whereas Mr. Jinnah, on behalf of the Muslim League, expressed willingness to consider the proposal and devise a basis for friendly co-operation during the period of war, the Congress leaders simply refused to entertain the proposal. They were bent on having their own way and monopolizing all administrative powers; so they took shelter behind the slogans and shibboleths which they had coined for the purpose. The Congress President, Dr. Rajendra Prasad, in his reply to the Viceroy, said that it was impossible for the Congress to consider any subsidiary proposal, unless a declaration clarifying the 'war aims' was made by Britain along the lines suggested by the Congress. India must be declared an independent nation, and present application should be given to this status to the largest possible extent; further, that Indian freedom must be based on democracy and unity and the full recognition and protection of the rights of all minorities. It is quite clear from the wording of these proposals that there is no real desire for independence on the part of the Congress. What they want is a mere declaration for propaganda purposes and to save faces. They make

play with the words, democracy and unity, for under a constitution based on these concepts and the conditions obtaining in India they are sure of wresting all real political power by virtue of their large and unalterable Hindu majority. But they are not quite sure as to what might happen if the strong arm of Britain is withdrawn from India, and the Indian people are left free to determine their own future destiny. Therefore, they look to the British Government to bring about a set of conditions in which they would come on the top without running any risk and trample upon all others. The reference to minorities is pure deception. For one thing, they presume to speak of the 90 million Muslims as a mere numerical minority like other small groups in the country; whereas the Muslims claim and rightly claim to be treated as a nation, entitled to the same right of self-determination as the Hindus claim for themselves. The Congress President in the same communication to the Viceroy said that it had pained them to find the communal question being dragged in in this connection, as it had clouded the main issue. This exposes them in their true colours. The proposal to bring about a workable adjustment between Hindus and Muslims in the provincial field leading to co-operation at the Centre is to the Congress a mere communal question, having nothing to do with the political issue.

What humbugging and what brazen-faced word-play! As if the question of giving to Muslims their due share in the provinces and at the Centre is no political question at all! It is like putting the cart before the horse. The Congress President expressed the pious wish of the Congress to settle all points of communal controversy by agreement and to continue their efforts to this end. Well, why not settle this matter once for all and then confront the British Government with a joint demand, supported by both Hindus and Muslims? The whole Congress organization and the Congress press raised a hue and cry that it was preposterous to insist on a previous settlement between Hindus and Muslims, and, once the British Government conceded the Congress demands, the settlement would easily follow. If the Congress demands are conceded, what will be left there to reach a settlement about? In fact, it was against these specific demands that the Muslims and other minorities had strong objections. An example of the blind arrogance of the Congress is furnished by the letter sent by the Congress President to the Viceroy, wherein he says that it should allay all real anxiety on the part of the British Government when the Congress declares that it contemplates no constitution, which does not carry with it the protection of real' minorities to their satisfaction. So every

thing is to be left to the sweet will of the Congress! But, leaving aside the British Government, the question is whether the minorities themselves have any faith in the professions of the Congress? Are they prepared to entrust their fate to the Congress or to a body dominated by the Congress? The answer is obvious. Apart from sentiments of self-respect, the facts of the situation do not favour the presumptions of the Congress. The harrowing experiences, which the Muslims and other minorities have had of Congress rule, do not induce them to take the Congress at their word or put any trust in their proposals. It is a peculiar logic that the Congress insist on the recognition of their right of self-determination as a condition precedent to their co-operation with the British Government, but when the Muslims ask for their right of self-determination before they agree to co-operate with the Congress they are denounced as reactionaries and enemies of India's freedom. It was said that the British Government taking or sharing the burden of the settlement of the communal issue had made a settlement [of the question much more difficult than it should have been. Indeed, if the British Government had not insisted on a previous settlement and had yielded all power to the Congress in the manner they had suggested, the Congress would have had their own way all along the

line, and the Muslims would have been compelled to submit to their dictates, and surrender at every point. To add insult to injury, Mr. Gandhi uttered a great libel on the entire Muslim community by saying in effect that the Muslims were prepared to sell themselves to the highest bidder and even threatened them that, though they were now holding up the freedom of India, they could not do so for long. He also maligned Mr. Jinnah by saying, "Janab Jinnah Saheb looks to the British power to safeguard the Muslim rights. Nothing that the Congress can do or concede will satisfy him: for he can always and naturally from his own standpoint ask for more than the British can give or guarantee. Therefore, there can be no limit to the Muslim League demands." Mr. Jinnah strongly repudiated this false and reprehensible insinuation and declared that the Muslims of India depended on none but their own inherent strength to protect their rights.

Now about this Constituent Assembly stunt and the much-advertised solicitude for the protection of the interests of minorities! In the first instance, the whole conception of a Constituent Assembly in the peculiar conditions obtaining in India is wrong and untenable. A Constituent Assembly comes into being when a people have seized power and are on the way to establish



their own sovereign state. They entrust the task of devising a suitable form of government and working out its details to an Assembly of their choice. Another essential feature of the Constituent Assembly is that, wherever such Assemblies have functioned, there has been no opposition to the very idea of it from any important section of the population from the very beginning. All sections of the people have been animated by a spirit of unity and a common aspiration. The entire people has been agreed not only as to the composition of the constitution-making body but also with regard to the methods of taking decisions therein and the broad principles of the constitution itself. In India all these conditions are absent. For one thing, it is absurd to ask a foreign power to convene a Constituent Assembly for a subject people and enforce for them the constitution that they thus frame. Assuming for a moment that the British Government agrees to the proposal, do we satisfy the other conditions so essential for the success of a Constituent Assembly? Mr. Gandhi who had previously been sceptical of the idea suddenly plumped for it, and began to extol its virtues to the sky as a sovereign remedy for all ills. Let us examine the specific proposal. The Congress ask for the convention by the British Government of a Constituent Assembly elected on the basis of adult franchise.

or any agreed equivalent to frame the constitution of India. The Muslims and other 'accepted' and 'legitimate' minorities, Mr. Gandhi says, may be represented by separate electorates, if necessary, but in exact proportion to their numbers, and further they will determine what is required for their protection. But then comes the overriding clause that in all matters of common concern a composite majority vote would prevail. It is further suggested that the disputes between the majority and the minorities with regard to the safeguards which the latter formulate for the protection of their rights and interests would be referred for arbitration to 'the highest judicial tribunal that human ingenuity can conceive.' These proposals seem to be very attractive and apparently unexceptionable. But they raise some very grave issues, which the sponsors of the proposal have not thought fit to face. The first question is: is an Assembly, elected on adult franchise, a practical proposition in a vast sub-continent like India with its teeming millions, ignorant, illiterate, steeped in apathy, superstitions, parochial jealousies, caste and religious prejudices? Are the masses of the people capable of understanding, to say nothing of pronouncing opinion on, the intricate problems and grave issues, which will come up before the Assembly? In order that the mind and the aspirations of the people

may be truly reflected it is essential that the Assembly should be elected by a people who have a fully developed public opinion and who are enlightened and experienced enough to judge vital political issues and make their choice freely and judiciously. Mr. Gandhi says that the election campaign itself will be sufficient education for knowing broadly the will of the people. Well, what about the experience of the electioneering campaign under the present constitution, and what about the abuses of power and malpractices in the elections of the Congress, which were so emphatically condemned by Mr. Gandhi himself, even though the electorates in each case were smaller and better informed. Mr. Gandhi also speaks of an 'agreed equivalent to adult suffrage.' The question is between whom is the agreement to be arrived at? Then, it is said that the minorities may be represented through separate electorate if necessary. Who is to decide whether it is necessary? The Congress, the British Government or the Muslims? The Muslims are to be represented in exact proportion to their numbers. It means that they will be in a hopeless minority in a house swept by the Hindu majority and will be outvoted on every point. The proposal about the protection of the interests of minorities is amere sham. The minorities are to formulate the safeguards that they need for the pro-

tection of their rights and interests. Who is to decide as to what are the rights and interests of the minorities? Is it the minorities themselves? If so, the minorities would very naturally regard every important part and feature of the constitution as vitally affecting their interests. They would accordingly devise a safeguard with regard to every part of the constitution. Will this position be acceptable to the majority? If it is the majority who will specify the rights and interests of minorities, then the concession of the right to formulate the safeguards to the minorities becomes meaningless. As for referring the dispute regarding safeguards to the 'highest judicial tribunal', it is a most unreasonable and impracticable proposition. Arbitration on a dispute between two parties can only be done by a third party whom both the contending parties willingly accept for the purpose. Who will appoint this high judicial tribunal and what will be the nature of this tribunal? Who will implement the decisions of the tribunal? Shall the minorities be required quietly to submit to a tribunal whom the Congress choose to define as impartial? But the more serious objection against the proposal is whether ~~this~~ is an issue to be adjudicated upon by a judicial tribunal. It is a question of evolving a constitution, which would vitally affect the lives and the ~~future fate~~ and destiny of millions of people; and

constitution is a matter of social contract, which essentially carries with it the idea of consent and agreement. A judicial tribunal arbitrates upon disputes, involving matters of individual interest between individuals or small groups of individuals. There is no instance in world history of a judicial tribunal, however impartial, sitting in judgment over matters relating to the very basis of the constitution, the form and nature of the government. For the points of difference between the majority and the minority will not only be such subsidiary matters as allocation of seats in services or even legislatures, or share in grants-in-aid or matters of that kind but fundamental issues relating to the division of political and administrative power, the character and composition of legislatures and cabinets, the adjustment of political relations between different nationalities. The questions likely to crop up will be whether there should be a unitary national state, a federation of autonomous provinces or a confederation of sovereign states. Therefore, the whole proposal is a camouflage, calculated to serve the ends of the Hindu oligarchy, which dominates the Congress, and has failed to hoodwink either the British or the Muslims. The Congress had lost its credit and *bona-fides* to such an extent that no one was going to accept its pretensions as the sole determining factor. Therefore, the Congress

caucus came out with a new move. They felt sure that if a Constituent Assembly of their design were convened they would be able to swamp the boards by sheer force of numbers, and it would emerge as 'a second larger edition of the Congress', whose only business would be to register the dictates of the Congress High Command.

Now a word about the attitude of the Congress towards the proposals contained in His Excellency the Viceroy's statement of August 8, 1940. When the Congress found that there was a possibility of the transference of some power into Indian hands at the Centre owing to the exigencies of the international situation they had recourse to a clever stunt. They began to talk of the dangers of external aggression against India and the possibilities of internal disorder in the country. With all their respect for Mr. Gandhi and his doctrine of 'ahimsa' as the ultimate remedy for all ills of humanity the Congress High Command declared that in view of the existing world situation and the conditions obtaining in India and the failings of the 'human material' with which they have to deal they would have to resort to such measures for organizing the defence of the country and preserving peace and tranquillity within the country as may not conform to the creed of 'ahimsa'. They, therefore, relieved Mr. Gandhi

of the responsibility of leading the Congress and left him free to preach and demonstrate the value of 'ahimsa' to the world. After prolonged confabulations lasting for more than a week, during which Mr. Rajagopalachari played a prominent part, the Congress High Command came out with a proposal for the formation of a 'national government' responsible to the elected elements of the Central Legislature as it was at present constituted. If the British Government agreed to the establishment of such a Government they said that the Congress would then be prepared to shoulder the responsibility of running the administration and to participate in the war effort and the organization of defence. Tempting offers were held out by Congress leaders to the British Government. Once the Congress demand was conceded the Congress would procure millions of recruits for the army and place all the available resources of the country at the disposal of the British Government to help them win the war: Let us analyse the implications of the Congress proposal. 'National Cabinet' and 'national government' became fashionable terms with many people in India who take a superficial view of things, following the example of European countries which replace 'party cabinets' with 'national cabinets' embracing all parties, under the stress of war conditions. But was such a cabinet possible under

Indian conditions? Did the Congress itself desire such a government? The General Secretary of the Congress, Mr. Kriplani, strongly deprecated the suggestion of coalition cabinets and said that coalition with the Muslim League was not possible. The Congress President, Mr. Abul Kalam Azad, in a speech immediately after the passing of the above-mentioned resolution of the Congress Working Committee declared that national government of the type that they had in European countries was impossible in India. There was only one political party in India, *i.e.*, the Congress, all others being communal. Political parties alone can join together to form a national government. Therefore, according to his argument, national government in India meant Congress government. Constituted as the present Central Legislature is, the Congress command a two-thirds majority of the elected section of the Legislature. In fact there would be a large, unalterable Hindu majority at the beck and call of the Congress in any Central Legislature elected according to the simple majority-vote system from geographical constituencies. Any cabinet formed on the basis of such a legislature would under the circumstances only be a replica of the kind of Congress governments we had in the seven provinces. •Even if one or two Muslims were included in the cabinet their position, indeed, would be unenviable. Knowing all



these implications of the proposal, the 'show-boy' President of the Congress, Mr. Abul Kalam Azad, still had the hardihood to address a confidential telegram to Mr. Jinnah conveying to him that the Congress by its resolution for a national cabinet meant a 'composite' cabinet and inquiring whether the League could not accept any proposal not based on the two-nation scheme. He got a fitting reply from Mr. Jinnah who refused to discuss matters with him, as he could not be regarded as a representative of Hindus and he had completely forfeited the confidence of the Muslims. The Congress demand, it is clear, instead of providing a basis of co-operation between different parties and elements as a measure for the duration of war raises the whole fundamental constitutional issue which as yet remain unresolved between important elements in the Indian body-politic. The reply given by the Secretary of State for India, Mr. Amery, in this connection is pertinent. Referring to the Congress demand, Mr. Amery said that if it meant that the members of the Viceroy's Council should be dependent on the support of the elected members of the legislature it is in fact a demand for changing the whole basis of the Indian Government in the middle of war. He added, "More than that if the House has followed the analysis I have attempted to give of the attitude of the different elements in India to the constitu-

tional problem it will realize that it is a demand which really raises the whole unresolved constitutional issue and prejudices it in the sense favoured by the Congress and rejected by the minorities. There can be no agreement on a Government responsible to the Legislature until there is agreement upon the nature of the Legislature and upon the whole structure of the constitution." You cannot expect a people to acquiesce in a particular type of government, unless they have previously consented to the principles of the constitution in terms of which that government has been established. To talk of a national government in a sub-continent where there are several nationalities of varying numerical strength is only an attempt to throw dust into the eyes of non-Hindu elements and make them agree to their own enslavement. Once the type of national government demanded by the Congress is established, Hindu domination over the whole country would be an accomplished fact. Whatever little power the Muslims enjoy in their majority provinces under the present constitution would be nullified and the Muslims throughout the country would be reduced to the position of a subject people. The Muslim League, therefore, refused to associate itself with this demand for a so-called national government, though it has always been prepared to negotiate with a view to devising a basis of

friendly co-operation during the interim period without binding any party to any commitment which would fetter its freedom of view-point and action with regard to the larger constitutional problems to be taken up after the war. When the Congress found that this manoeuvre had fallen through and everyone had seen through the ruse they came out with another stunt. Mr. Gandhi's conscience-keeper, Mr. Rajagopalachari, made what he called a 'sporting offer' to the effect that he would persuade his colleagues in the Working Committee to agree to a nominee of the Muslim League being appointed as the Premier of the national government of the Congress' conception. That, he said, disposes of the difficulty caused by Hindu-Muslim differences to which Mr. Amery had referred in discussing the Congress demand. Mr. Rajagopalachari was evidently very pleased that he was doing something very brave and was setting a very high example of self-denial and generosity. But woe unto the perversity of Muslims. They refused to accept the offer. Mr. Rajagopalachari knew that he had very cleverly set the trap: but the Muslims were cleverer and so refused to walk into the snare. The manner of making the offer itself exposed its hollowness. The offer was meant for the Muslims but it was cabled to Mr. Amery through the good offices of a London Paper. Asked why he did not make

the offer direct to the Muslim League, Mr. Rajagopalachari said that it would have been improper to make the offer to Mr. Jinnah in the first instance, for Mr. Jinnah would then have had legitimate ground for considering it an insult and retorting that he was not after jobs. What innocence! To this Mr. Jinnah replied in the following words, "If Mr. Amery had accepted that offer and when that offer is then made to me would it not be open to me to make the same retort and say that Mr. Amery and Mr. Rajagopalachari had combined to insult me; I am not here for jobs? Do give other people credit for commonsense." Mr. Jinnah recalled that the British had declared in an authoritative pronouncement that if we could put our heads together and bring some agreement they are willing to consider it. Therefore, Mr. Jinnah asked, "What is the use of making this offer to Mr. Amery over the head of the Muslim League?" If the Muslim League desired to win for one of its men the glorified position of a figure-head, a *de jure* Premier, the offer of Mr. Rajagopalachari certainly brought a very good opportunity. But how would it work in practice? Suppose there is a Muslim League Premier. As he proceeds to form his cabinet he would have to bear in mind that there is a rigid hostile Hindu majority, constituting two-thirds of the Legislature, on whose support he has to be

dependent. Out he goes the moment he shows the slightest sign of deviation from the mandates of the communal Hindu majority controlling the Legislature. The essence of power would remain in the hands of the Hindu majority; only this device would have the added advantage of silencing the dissentient voice of the Muslim members of the Legislature and depriving them of the right to criticize and oppose which they would certainly enjoy if they remained in open opposition. When this move fizzled out like a damp squib the Congress felt chagrined and withdrew the proposal of the provisional national government. The resolution relieving Mr. Gandhi of the responsibility of leadership was rescinded. The Congress again entreated Mr. Gandhi to resume the reins of leadership. Mr. Gandhi was reinstated in the position of the Super Dictator of the Congress and the Generalissimo of the 'non-violent' army of the Congress with absolute powers to plan and conduct a new campaign. Mr. Gandhi evolved a new issue. He approached His Excellency the Viceroy with a request for permission to preach against war. He said it was a question of civil liberty; he wanted liberty of speech for Congressmen to appeal to the people not to help in the prosecution of war. It is very much like asking a man whose house is on fire whether you have his permission to add fuel to it! Mr. Gandhi said if

the Congress did not have freedom to preach its cult of non-violence it would mean self-extinction for the Congress. Therefore, for sheer self-preservation the Congress must be allowed to carry on anti-war propaganda. Mr. Gandhi said that non-violence was the faith, the very life-breath of the Congress. How could it forego the freedom to preach its faith. The same Congress which only a month before had abjured its faith and was prepared to go the whole hog with the British Government in this bloody and terrible war and to help with men, money and material in intensifying the war effort and securing victory for Britain was now to fight the British Government for a problematical civil liberty with the weapons of 'non-violence.' It is a very peculiar notion of civil liberty. The Congress demand liberty of speech to preach against the prosecution of war—a policy directly opposed to the interests of the government of the day. But within their own organization the Congress High Command are not willing to grant any freedom of speech to their members to advocate a policy different from their dictates. The Congress axe of discipline has fallen mercilessly on Khare, Bose, Nariman, the latest victim being M. N. Roy. Then the civil and religious liberties of Muslims were severely suppressed under Congress ministries. When Mr. Gandhi was asked if he was going to start a move-

ment on the issue of independence and constituent assembly he emphatically denied it and said that it was on the issue of liberty of speech. But many disciples of Mr. Gandhi speak in a different voice; they go on haranguing that this struggle was for the freedom and independence of India. Writing as late as October 29, 1939 Mr. Gandhi said that if the British left India the Punjabis (meaning Musalmans) and Gurkhas would overrun the country, adding that if anybody desired to maintain the supremacy of the British in India it was the Congress which was the only representative and authoritative organization of the people of India. Can any one in his senses believe in the face of these confessions that the Congress is fighting for the independence of India? The Muslims understand what the whole quarrel is about. It is to coerce the British Government to recognize the Congress as the only representative organization of the country and then to carry out its behests throwing the Muslims and other minorities to the wolves. Mr. Bhulabhai Desai, the Congress Party leader in the Central Assembly, appealed to Muslims and other non-Congressmen not to put obstacles in the way of the Congress. What an innocent appeal! In the first instance, is it not an implicit admission of the fact that the Muslims are a political entity separate and distinct from the Congress and that the Congress does not

represent the Muslims. Then it is clear that the Congress want to coerce the British Government so that the latter in their turn would let down the Muslims and coerce them into submission to the ukase of the Congress. The Muslims have grown up politically and can see through things. They can no longer be cajoled or coerced. The sooner it is realized the better.

To turn now to the proposals contained in the Viceroy's statement relating to the future constitution of India, and the process and method of building it. His Excellency reaffirmed that every part of the Act of 1935 and the policy and plans on which it was based, in other words the whole constitutional problem was open for fresh examination after the war. Referring to the question of safeguarding the position of minorities, religious or political, in relation to any constitutional changes, His Excellency stated that the British Government 'could not contemplate the transfer of their present responsibility for the peace and welfare of India to any system of Government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a government.' Recognizing that there had been very strong insistence that the framing of the new constitutional scheme should primarily be the responsi-



bility of Indians themselves and should originate from Indian conceptions of the social, economic and political structure of Indian life, His Excellency declared that His Majesty's Government were in sympathy with the desire and wished to see it given the fullest expression subject to the due fulfilment of the obligations which Great Britain's long connection with India has imposed upon her and for which His Majesty's Government cannot divest themselves of responsibility. As to the method and time of building the constitutional scheme the Viceroy stated that His Majesty's Government 'would most readily assent to the setting up after the conclusion of War with least possible delay of a body representative of the principal elements in India's national life in order to devise the frame-work of the new constitution and they will lend every aid in their power to hasten decisions on all relevant matters to the utmost degree. Meanwhile they will welcome and promote in any way possible every sincere and practical step that may be taken by representative Indians themselves to reach a basis of friendly agreement, firstly, on the form which the post-war representative body should take and the methods by which it should arrive at its conclusions, and secondly, upon the principles and outlines of the constitution itself.' These, in brief, are the British

Government's proposals regarding the future constitution of India. To a considerable extent these proposals represent a progressive approach to the point of view and the principles upheld by the Muslim League as will be presently seen. It cannot be denied that the British have recognized in principle the right of Indians to decide their own constitution by agreement among themselves. It is true that the recognition of the principle is subjected to the qualification that Great Britain cannot divest herself of the responsibility of due fulfilment of the obligations imposed on her by her long connection with India. But this qualification can be got round and rendered ineffective by an agreement among Indian parties as to the framework and outlines of the constitution. What is there really to prevent the Indian representatives from getting together and reaching an agreement among themselves as to the outlines of the constitution and the methods of reaching conclusions in regard to the details of the scheme? The Congress had asked for a particular kind of constituent assembly to frame the constitution. We have already seen the implications of the Congress demand and the reasons why all non-Congress elements utterly reject it. Before a constitution is framed and enforced every important element which is going to be affected by it has the right to be heard and

consulted on equal footing. When an element has given its willing assent to a constitution it then becomes incumbent on it to render obedience to any authority established in terms of the constitution. Is it in accordance with any canons of justice that a numerical majority should carry through a constitutional scheme of its own design and conception by sheer force of numbers and then coerce the minority to submit to the government established under the scheme? The same point is touched by Mr. Amery in his speech when he says, "Agreement, consent, is indeed the foundation of all free government, of all true democracy. Decision by majority is not so much of the essence of democracy as a practical convenience, which presupposes for its proper working an antecedent general consent to the constitution itself. It has, indeed, in most federal constitutions been limited in various ways in order to safeguard the separate interests of the federating elements." So long as a constitution is in the process of evolution every important section of the population has a right to see that its position is effectively safeguarded against the encroachments of another element which happens to be numerically larger. After all democracy itself has different patterns and shapes in European and American countries. The parliamentary system of government such as they have in

England in which the executive is chosen from the majority party in the legislature and has to be dependent on the support of that majority is not the only form of democracy. England is a compact and unified nation; she has evolved a constitution of her own against a historic background extending over hundreds of years. Can any one believe that the circumstances of British democracy bear any the slightest resemblance to the social, political, cultural and economic conditions of Indian life? Leave alone India, have not the constitutions of even the dominions of the British Commonwealth been conditioned by the social, cultural and racial characteristics of their respective populations. In the case of every dominion constitution, as Mr Amery points out, there has been antecedent agreement not only between the geographical units but also between the main racial elements—English and French in Canada, British and Boer in South Africa—both as to the method of framing the constitution and as to the constitution itself. There is, therefore, nothing unprecedented in the proposals made by the British Government. Agreement between the principal elements of Indian life with regard to the composition of the constitution-making body and the method of arriving at decisions therein is essential. Why cannot the Congress reach an agreement on these matters

with the Muslim League? That is exactly what the Muslim League has been advocating all along. The League is ever prepared to make a positive approach to the problem on these lines. The Congress fights shy of it. Why? Because it seeks to establish Hindu domination over the entire country through the method of the counting of heads. When the British Government say that they can be no parties to the coercion of large and powerful elements into submission to a system of government whose authority is directly denied by them they are but conforming to the elementary principles of democracy. The Congress raised a hue and cry that the British Government was placing in the hands of minority elements the power to veto all constitutional advance. Referring to this insinuation the Secretary of State for India said, "To describe the need for such an agreement as a veto on constitutional progress is, I think, to do an injustice to the patriotism and sense of responsibility of those concerned. Agreement means not veto by any elements but compromise and willingness to compromise in India, as elsewhere, is an essential test of the sense of responsibility on which free government is based." Do the Congress seriously contend that these powerful elements, among whom the Musalmans according to Mr. Amery are the foremost, would take up such a perverse

and intransigent attitude as to put a stopper to all constitutional progress? Will they not thereby be destroying all chances of attaining their own freedom and strengthening the bonds of their slavery? Is love of freedom a monopoly of the Congress and do they mean to say that the Musalmans are content to remain slaves for all time? The Musalmans certainly have the right and the power to prevent the imposition of Hindu domination on the whole country in the guise of democracy and unity. This right has certainly been recognized by the British Government. As for freedom and progress, no element, major or minor, has the right to come in the way of the other. But freedom and progress are not abstract conceptions or ends in themselves. They have their meaning and value in relation to groups of human beings. Where there are different groups with distinctive characteristics, each is entitled to choose what is best for itself and to claim an equal share of power to preserve its entity provided none tries to injure or impose upon the other.

In India specially the differences which divide the various sections of the population are of more pronounced character than any similar differences in any other region of the world. Even on the physical map of India there are well-marked zones, each with its distinct climatic and economic

features, its own racial and cultural groupings and linguistic, social and religious characteristics. The religious divisions even in the stricter sense of the term in most cases overlap the social, cultural and linguistic demarcations. In the case of the 90 million Muslims particularly it can be claimed and proved to demonstration that they have more elements of unity and cohesion than any other people of India. What with common historic traditions, common cultural heritage and traditions, a common language, a unified life outlook and social polity, common laws, values and moral consciousness and common political aspiration and destiny the Muslims of India are the most compact and solid nationality. The Muslims have their distinct social and political ideology which they are not prepared to surrender for any extraneous considerations; for Islam is not a mere religion in the Western sense—a matter of private relationship between the individual and his God or gods. Islam is a complete philosophy of life, a social polity and a state-concept, governing every aspect of human life, individual and collective. The Muslims have awakened to their cultural, political, and national self-consciousness. While they do not mean to do the slightest harm to any one else they have developed the will and are determined to have their own territory, homeland, and state where

they can develop and build up their own social, cultural, economic and spiritual life, according to their own ideals and genius. There are no two more clearly marked regions than the north-west of India, comprising Muslim majority provinces, and the north-east of India, consisting of Bengal and Assam, excluding a few Hindu districts. Then in the rest of India there are small tracts and areas distinct from adjoining territory because of Muslim populations. Further still, the distinctive national traits of Muslims even in the midst of large Hindu populations will clearly be evident to the most casual foreign observer. In the face of these incontrovertible facts, is it a crime on the part of Muslims to claim an equal share of power and freedom and their own right of self-determination? It is a truism which even a child in politics understands that no nationality can exist as a cultural and political entity, unless it is possessed of real political power. After all the Muslims do not seek to impose their own culture and ideology on Hindus, nor do they want to prejudge the constitutional issue in a manner, which would militate against the interests of Hindus. They only claim the right to negotiate with Hindus and other parties concerned on equal footing with a view to evolving a scheme of constitution, under which they would live as happily and contentedly



as Hindus and others. This is the principle which the British Government have recognized and to that extent the Viceroy's statement is satisfactory.

It is perhaps for the first time that one notes in the Viceroy's statement and the Secretary of State for India's subsequent speeches an attempt on the part of British statesmen to understand and appreciate the real conditions of India and the true implications of the Indian problem. The British Statesmen and the British Public have been used to thinking on Indian problems from the point of view of their own political principles and constitutional practices. The vigorous one-sided propaganda carried on by the Congress and other Hindu agencies has misled the British people into judging the problems of India's constitution on the basis of certain set doctrines and formulæ, such as democracy, unity, nationalism, parliamentary and responsible government. A partial experiment in democracy and parliamentary government was carried out for the brief period of two and a half years in the Hindu majority provinces. The outcome was so shocking that such high authorities as the Viceroy, the Secretary of State for India and several British and Indian statesmen and politicians are re-echoing Mr. Jinnah's assertion that democracy of the Western brand is unsuited to India. That the truth

regarding the Indian situation seems to be dawning on the British is evident from the declaration made by the Viceroy to the effect that not only every part of the Act of 1935 but also the policy and plans on which it is based will be open for re-examination at the end of the War. It means that they realize that no mere tinkering with the details of the scheme will do. What is needed is a complete over-hauling of the entire system involving radical changes in the very fundamentals on which the constitutional edifice was built. His Excellency the Viceroy in his statement recognizes the necessity of the Indian constitution originating from Indian conceptions of the social, economic and political structure of Indian life. Mr. Amery also appreciates the point by observing in his speech, "It may, indeed, prove to be the case that it is by entirely novel departures from the existing scheme whether in the relation of the Centre to the provinces or to the states or in the methods of election and representation that an agreement can be reached which is unattainable within the framework of the existing Act, based, as it is, on the traditions of India's administrative past and on our customary British constitutional conceptions." India's administrative past is represented by the record of British rule, which, in the nature of things, can be no guide to the formulation of any scheme of Indian self-rule.

Mr. Amery admits that a solution of the outstanding constitutional issues is unattainable within the framework of the existing Act. Therefore, the customary British constitutional conceptions like majority vote and numerical majority rule are inapplicable to India. In the same strain Mr. Amery admits that 'though the Congress are numerically the largest single party in British India, yet their claim in virtue of that fact to speak for India is utterly denied by very important elements in India's complex national life.' Mr. Amery very nearly seems to get to the root of the matter when he recognizes that these other elements 'assert their right to be regarded not as mere numerical minorities but as separate constituent factors in any future Indian policy, entitled to be treated as such in any discussions for the shaping of India's future Constitution.' But the language employed by Mr. Amery is sometimes confusing, as some of the expressions which he uses are contradictory. Perhaps, from force of habit, he speaks of India's national life, as if the people of India were living as a nation. If there is a nation in India there can be no question of separate constituent factors, entitled to be treated as such. In spite of these verbal confusions Mr. Amery admits that 'the foremost among the important elements is the great Muslim community of 90 million strong and constituting

a majority both in the north-western and the north-eastern India but scattered as a minority over the whole sub-continent. In religious and social outlook, in historic traditions and culture, the difference between them and their Hindu fellow countrymen goes as deep, if not deeper, than any similar difference in Europe.' It is clear that in Europe similar difference exists between nations, each with a sovereign state of its own. If, therefore, Mr. Amery's statement is carried to its logical conclusion it is inevitable that Hindus and Muslims will have to be recognized as two nations which must have states of their own. Similar appreciation of the realities of the Indian situation is to be found in the observations made by an authoritative body like the Joint Parliamentary Committee on Indian Constitutional Reforms, namely, "India is inhabited by many races . . . often as distinct from one another in origin, tradition, and manner of life as are the nations of Europe. Two-thirds of its inhabitants profess Hinduism in one form or another as their religion, over seventy-seven (now ninety) millions are followers of Islam; and the difference between the two is not only of religion in the stricter sense but also of law and culture. They may be said, indeed, to represent two distinct and separate civilizations." The Committee also observes that Hindus and Muslims

are as distinct from one another in origin, tradition and manner of life as are the nations of Europe. Numerically speaking there is a major nation and a minor nation in India. Therefore, a parliamentary system of government based on the simple majority vote principle would inevitably mean the rule of the major nation and the vassalization of the minor nation. That is why the Muslims refused to have anything to do with a constitution framed by a Constituent Assembly elected by a majority vote in geographical constituencies. Mr. Amery recognizes that the Muslims claim the right in any constitutional discussions to be regarded as an entity and are determined only to accept a constitution whose actual structure will secure their position as an entity against the operations of a mere numerical majority. It is not so with Muslims alone. The same applies to the great body of what are known as the scheduled castes who feel, as Mr. Amery admits, that as a community they stand outside the main body of the Hindu community which is represented by the Congress. This is a virtual recognition of the fact that the Congress represents none but the high-caste Hindus. There is yet another entity or group of entities, namely, the Indian Princes who, whatever one may think of them, are an important factor to be reckoned with. They also refuse to be assimilated to the simple

democratic formula propounded by the Congress. It is, therefore, well that the British Government have not predetermined the form of the constitution-making body and the methods of reaching conclusions therein according to the patent design of one element, namely, the Congress. Mr. Amery has declared that there was no type of body which was ruled out, provided it was agreed upon by these principal elements and was in that sense representative of those elements. The Muslims and other minority elements attach for obvious reasons the utmost importance to the question of the composition of the constitution-making body and the process of taking decisions therein before the principles and outlines of the constitution itself are taken up. If their representation is ineffective and the method of reaching conclusions is based on mere counting of heads, thus stifling their voice, the constitution which would emerge from such a body will seal their fate.

While so far the line of argument followed by the Secretary of State for India, Mr. Amery, is correct and is warranted by facts, some of the expressions in his speeches are self-contradictory, giving rise to doubts. His otherwise clear-cut and rational interpretation of the Indian situation is marred by certain euphemisms and catch-phrases which convey a contrary sense. The issues again appear to be confused. For instance, he states in

one place, "There is the fact that India can boast of an ancient civilization and of a long history common to all its peoples of which all Indians are equally proud ... Underlying them too is the unity not merely of administration but of political thought and aspiration which we here can justly claim to have contributed to India's national life." It is, indeed, very difficult to reconcile these pious expressions with the previous analysis of the Indian situation contained in the same speech of Mr. Amery. This inconsistency is either due to want of knowledge or wishful thinking. Which is that ancient civilization and that long history common to all the peoples of India? There is an ancient civilization of the Aryan or the upper-caste Hindu—a civilization distinguished by the phenomenon of its rigid caste-system, social and economic distinctions, based on birth, untouchability, social exclusiveness and cultural insularity. There is no social intercourse between Hindus and Muslims and certainly no inter-marriage whatever. The members of different Hindu castes do not even dine with each other, to say nothing of living with the Muslims who are regarded as *Mahksh* (impure). The Muslim has an entirely different culture and civilization. The British statesmen themselves admit that Hindus and Muslims represent separate civilizations. On Mr. Amery's own showing 'the

differences between Hindus and Muslims in religious and social outlook, in historic traditions and culture go as deep, if not deeper, as any similar difference in Europe.' Mr. Amery admits differences in historic tradition. It, therefore, passes one's understanding as to which is that history which Mr. Amery regards as common to all the peoples of India. The truth of the matter is that almost all the victories and defeats in the long annals of Hindu-Muslim relations in India overlap. The victory of one has been the defeat of the other ; the hero of one is the villain of the other. The Muslims came into this country as conquerors and ruled it for well-nigh eight hundred years. The traces of their rule are still to be found in various parts of the country. Their administrative traditions have left a deep impression on the British administrative system prevailing in India to-day. They have every reason to feel proud of their contributions to the progress, development and prosperity of the peoples of India as a whole. The present generations of Muslims have inherited from their forbears their administrative genius and abilities as also their traditions of just, impartial and beneficent rule. The claim is justified by the record of work of Muslim officers and ministers both in British Indian provinces and Indian states. Does it not redound to the credit of Muslims that



even the admittedly defective scheme of provincial autonomy of the Act of 1935 is still working in Muslim majority provinces with at least greater success than it did in Hindu majority provinces where it completely broke down due to the tyranny and incapacity of the Hindu majority to wield administrative power? The non-Muslim minorities in the Muslim majority provinces enjoy more than their due share in the executive and the administration and have had no just cause of complaint at the hands of Muslims.

Let us now examine the so-called unity of administration and of 'political thought and aspiration' which he and his countrymen claim to have contributed to India's national life. Mr. Amery speaks repeatedly of India's national life; and this creates doubts as to his real meaning. India's national life is a misnomer which has been thoroughly exposed in previous pages. There is no single nation in India; therefore to talk of India's national life is illogical and misleading. The impression of unity which the British Government at the Centre with its branches in the provinces conveys is false, for this government is a foreign government and its structure and basic principles do not carry the willing assent of any section of the Indian peoples. Mr. Amery has himself admitted that the very prospect of constitutional progress has intensified the differences

among the important elements in Indian life which lay dormant under autocratic control. These differences relate to the structure of Government, the system of administration and the division of political power. They lay dormant under autocratic control, because each element felt equally helpless and there was no difference in the status and power enjoyed by them as against one another. The only unity between Hindus and Muslims is the unity of common subjection to a foreign rule, if it is any unity at all. India has never known a central national government for the simple reason that there has never been, as there is not to-day, a single nation in India. No doubt there have been central governments over large portions of India under autocratic monarchs during the Muslim period and perhaps once or twice during the Hindu period of Indian history, as there is a central government under British control to-day. The whole of India has never been brought under an indigenous central government. Invariably, in every case in Indian history, whenever the hold of the autocratic central government slackened, there sprang up independent states in the various regions of India. A central national government is foreign to the genius of the peoples of India. The central government in India is a graft, an imposition; it can never be an organic growth. As for

the unity of 'political thought and aspiration', nothing could be further from truth than to suggest that such unity exists in India. What political thought is common to Hindus and Muslims? Each has a different world-view, a different social outlook, a different idea of happiness and salvation. Hindus and Muslims have different concepts of state-structure and government and even different economic principles and needs. As for aspiration, it is now clearer than ever that Hindus and Muslims are animated by different ambitions. The Mahasabha leaders speak plainly and bluntly. They say frankly that Hindustan is the land of Hindus and others can only live at the sufferance of Hindus. They want Hindu rule, Hindu kingdom or Hindudom. They have declared that the Muslims in India are like the Jews in Germany and would be treated as such when Hindus came into power. The Congress wants the same thing, only it has a subtler way of presenting it. The Congress leaders make use of certain terms and catch-words borrowed from European politics, for they serve their purpose. They talk of democracy, unity, nationalism, joint electorates, parliamentary government and so forth; because they know that in a government established on these principles all real power passes into the hands of a permanent Hindu majority and Hindu raj is virtually established. They have had a foretaste of it

under provincial autonomy. In a democratic national state of the Western type the position of Muslims *vis-a-vis* the Hindus is one against three, which means perpetual political subjection of Muslims. The aspiration of the Muslims on the other hand is to have an equal share of power and authority, so that they could have equal freedom and opportunity to live their own life and develop their political, educational, and cultural institutions, as also their social and economic life, according to their ideals and genius. To that end they seek to carve out independent states of their own in the north-western and north-eastern regions of India where they are in clear majority, leaving the Hindus free to do the same in areas of their majority. They wish to provide adequate, effective and mandatory safeguards in the constitution for the political, religious, civil, cultural, economic, and administrative rights and interests of the minorities, Muslim and non-Muslim, in the respective Hindu and Muslim zones. Every canon of international law and self-determination justifies the proposal. This is the aspiration of Muslims. Where is, therefore, the unity of aspiration among Hindus and Muslims on which Mr. Amery waxes eloquent perhaps in his enthusiasm over recounting the achievements of British rule in India? But the glaring realities of the Indian situation lead Mr. Amery to admit

that 'India cannot be unitary in the sense that we are in this island; but she can still be a unity.' It is clear that Mr. Amery does not envisage for India the sort of unitary state and government that there is in England. Then, what does he mean by saying that India can still be a 'unity.' If he visualises some such unity as exists between England and the United States of America or the dominions of the British Commonwealth, or the unity that existed between England and France before the latter's downfall in the present war, so far so good. The Muslims are not opposed to such unity; indeed, they would welcome it. This would be real unity, springing from voluntary alliance on equal footing between peoples and states possessed of sovereign power. It will endure and conduce to mutual amity and prosperity, for it will lead the Hindu and Muslim nations to learn to understand and respect each other. A balance of power will be created and the ambition to dominate over the other will disappear, because the chances of clashes and the causes of conflict will have been minimised. There is nothing in the Muslim League proposal to prevent such unity being attained and even consummated in the form of some common machinery to deal with matters of mutual interest. But this machinery clearly can only be of an international character in which each participant

will have a position of equality. Perhaps it is the vision of some such prospect which prompted Mr. Amery to observe, "India's future house of freedom has room for many mansions." Mr. Amery has a flair for speaking in metaphors and euphemisms. If by 'mansions' he means 'independent states' in the various distinctive regions of India, he has got to the root of the problem and will be able to solve it in such a way as to deserve well of all the peoples of India. But, whatever the intent and purpose of Mr. Amery and other British statesmen and whatever the rantings, misrepresentations and threats of Congress leaders, the ninety million Muslims of India are clear in their mind that the only solution of the Indian problem and their ultimate salvation lies in the creation of independent sovereign states in the north-west and the north-east of India. They are solemnly resolved to achieve their ideal at any cost. If it comes by mutual negotiation and understanding no one would be happier than Muslims. Otherwise they are prepared to make every sacrifice to vindicate their honour and rights and to save India from chaos and disaster.



